



MAINE DEPARTMENT OF MARINE RESOURCES

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DEPARTMENT OF MARINE RESOURCES – RULEMAKING

Chapter 2.90 – Limited-purpose aquaculture (LPA) license

Public Hearing - 22 October 2012

SUMMARY OF CHANGES TO LPA RULE

[Text of rule available at: <http://www.maine.gov/dmr/lawsandregs/regs/02.pdf>]

Changes reflecting 2009 legislation:

Non-residents eligible for LPAs, fee of \$300

LPAs in intertidal zone:

- Authorized
- Riparian landowner of upland must sign application [as well as the chair of the municipal shellfish committee for sites above extra-low water, and the harbormaster, as already required]
- Fencing & brushing are permitted gear in ITZ

New provisions & other changes:

LPAs in marina slips, lobster pounds, and similar sites:

- Exempt from the density standard
- List of riparians and notification of riparians not required

Initial application & renewal:

- New applications: notify riparians how to comment to DMR on new license application & future renewals (DMR to draft language to include in application, which is provided to riparians)
- New applications: Show source of stock for all species; subsequent changes require written authorization from DMR
- Renewal: eliminate notice by DMR to riparians on renewal
- Renewal: DMR to request municipality to post DMR's notice of proposed renewal for 14-day comment period

New species:

- Adds green sea urchins, razor clams, bay scallops

New gear:

- Adds bottom anti-predator nets
- Recognizes that bottom-planting is allowed on LPA sites

LPA's in prohibited areas:

- Removes 25 mm size limit on shellfish seed
- 25mm or smaller seed can be moved from prohibited to clean lease or license site on 8 days' notice to DMR Bureau of Public Health
- Seed larger than 25mm or mixed batches of seed both above and below 25mm requires relay permit from Public Health to move to clean lease or license site
- 6-month closure of relay site containing prohibited area seed
- Allows marine algae and green sea urchins to be cultured on sites in prohibited areas, provided that shellfish are not also cultured on the site.

Clarifications:

Municipal review of application & required signature:

- By Harbormaster; if none, by municipal officer (selectmen), other elected municipal official, or Marine Patrol Officer

Size limit on LPA sites:

- 400 sq. ft. means total area occupied, not total surface area of gear

Kelp fed to green sea urchins does not constitute a discharge

Minor corrections in wording throughout the rule without substantive change

Minor reorganization; titles added to some sections for clarity